


FY 2006/2007



Regional Transportation Planning Agency Overall Work Program Guidance

For individuals with sensory disabilities, this document is available in Braille, large print, on audiocassette, or computer disk. To obtain a copy in one of these alternate formats, please call or write to the California Department of Transportation Office of Regional and Interagency Planning, 1120 N Street, Room 5302, (MS-32), Sacramento, California 95814. Or call (916) 653-2355 or (800) 735-2929 TTY.

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SECTION 1

Introduction: The Overall Work Program Guidance

The Overall Work Program (OWP) Guidance package is an annual supplement to the 2003 Regional Planning Handbook. The Regional Planning Handbook describes respective roles and responsibilities for the regional agencies and Caltrans transportation planners with regional transportation planning duties. The Regional Planning Handbook and the OWP Guidance are posted on the web at:

<http://www.dot.ca.gov/hq/tpp/offices/orip/owp/owp.htm>

There are separate Metropolitan Planning Organization (MPO) and Regional Transportation Planning Agency (RTPA) versions of the OWP Guidance.

SECTION 2
Rural Planning Assistance for FY 2006/2007

26 Rural Regional Transportation Planning Agencies	Total Formula Allocation Per Agency	Possible Formula Allocation if \$6mil RPA approved in Governor's Budget
Alpine	\$75,000	\$116,000
Amador	\$145,000	\$216,000
Calaveras	\$145,000	\$216,000
Colusa	\$95,000	\$147,000
Del Norte	\$145,000	\$216,000
El Dorado	\$210,000	\$315,000
Glenn	\$145,000	\$216,000
Humboldt	\$210,000	\$315,000
Inyo	\$145,000	\$216,000
Lake	\$185,000	\$275,000
Lassen	\$145,000	\$216,000
Mariposa	\$95,000	\$147,000
Mendocino	\$185,000	\$275,000
Modoc	\$95,000	\$147,000
Mono	\$145,000	\$216,000
Monterey	\$265,000	\$395,000
Nevada	\$185,000	\$275,000
Placer	\$210,000	\$315,000
Plumas	\$95,000	\$147,000
San Benito	\$185,000	\$275,000
Santa Cruz	\$210,000	\$315,000
Sierra	\$75,000	\$116,000
Siskiyou	\$145,000	\$216,000
Tehama	\$185,000	\$275,000
Trinity	\$95,000	\$147,000
Tuolumne	\$185,000	\$275,000
TOTAL	\$4,000,000	\$6,000,000

Pending State Budget adoption, the total statewide allocation for RPA funds is estimated to be \$6,000,000.

SECTION 3

Final 2006/07 Planning Emphasis Areas (PEAs)

The FTA and FHWA have identified a series of national Planning Emphasis Areas (PEAs) to promote as priority themes for consideration in developing the annual work programs for Statewide and metropolitan planning. The PEAs represent topics in Statewide and metropolitan planning that are of strategic national importance and are proposed for consideration by State and local officials as they prepare Overall Work Programs (OWPs) and State Planning and Research (SP&R) programs during the next applicable annual planning program cycle. This year's PEAs broadly promote improved person mobility while addressing Core Accountabilities of FTA's Strategic Business Plan.

For FY 2006/07, five key federal planning themes have been identified by FTA: 1) Incorporating Safety and Security in Transportation Planning; 2) Participation of Transit Operators in Metropolitan and Statewide Planning; 3) Coordination of Non-Emergency Human Service Transportation; 4) Planning for Transit Systems Management/Operations to Increase Ridership; and 5) Support Transit Capital Investment Decisions through Effective Systems Planning.

1. Incorporating Safety and Security in Transportation Planning. Since the passage of the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991, and in all subsequent surface transportation authorizing legislation, States and MPOs have been encouraged to incorporate safety and security in their plans, programs, and ongoing planning activities. Most recently SAFETEA-LU has expanded emphasis on safety and security by de-coupling the two concepts and elevating their status as individual factors in the planning process. Communication and collaboration among safety professionals, emergency service providers, the enforcement community, and transportation planners is essential to successfully integrate safety and security into all stages of transportation planning and decision-making.

Regarding transportation system safety, information describing the tools and strategies associated with the implementation of transportation planning within statewide and metropolitan transportation planning processes, including resources targeted to the planning organizations, is available at <http://www.thrc.gov/pubrds/pubrds.htm>. A training course titled "Safety Conscious Planning" is available from TPCB Web site and FHWA and FTA as follows: <http://www.fhwa.dot.gov/planning/scp/index.htm> and <http://transit-safety.volpe.dot.gov/>.

The types of planning work activities addressed under this emphasis area can include, among others, educations, training, and development/application of analytical processes related to addressing safety and security in planning on a systematic basis, and development and use of approaches to considering safety and security in settling implementation priorities in plans and programs. The "security" component of this emphasis area refers to both maintaining the personal security of transportation system operators that support the "homeland" security of localities, regions, States, and the nation. Coordinated approaches to the training of operators, deployment of communications and control of communications and control technologies, and

general coordination of emergency preparedness are among the types of planning activities that fall under this category.

A high-profile theme that spans both security and safety is disaster planning. In particular, areas that are vulnerable to disasters of either man-made or natural origin are encouraged to consider including disaster planning work activities into their SP&Rs and OWPs. Examples of planning-related disaster planning activities include all stages of emergency preparedness planning-ranging from preparing multimodal evacuation plans before a possible event, to strategies for bringing emergency supplies and relief aid to affected areas after the event. Additional information is available at the following web sites:

- <http://www.planning.dot.gov/Documents/Securitypaper.htm>
- <http://www.fhwa.dot.gov/planning/sep/index.htm>
- <http://www.planning.dot.gov/Peer/Michigan/detroitSafety.htm>

2. Participation of Transit Operations in Metropolitan and Statewide Planning. SAFETEA-LU expands the mandate and opportunities for transit operator participation in multimodal transportation decision-making through Statewide and Metropolitan planning. This PEA outlines a set of strategies for realizing the full potential and benefits of multimodal decision-making. A recent FTA publication, *Transit at the Table: A Guide to Participation to Metropolitan Decision Making*, available online or in hard-copy, provides candid testimonies of the values and strategies for full achievement of “transit-at-the-table” by transit and MPO leaders from 25 metropolitan areas across the U.S.

Among the planning activities that support the emphasis area are (a) establishing program, project, and technical advisory committees that include representation and active participation by transit operators, (b) developing and monitoring transportation system performance indicators that include measures that involve public transportation, (c) ensuring that travel forecasting methods are sensitive to policies affecting the full range modal options and that transit ridership forecasts have been validated and are credible, and (d) using criteria for setting project priorities for inclusion in plans and programs that are mode-neutral.

Training on ways to ensure that planning process are modally-balanced and the resulting decisions mode-neutral are available through the National Transit Institute (<http://www.ntionline.com>) and the National Highway Institute (<http://www.nhi.fhwa.dot.gov>), with the additional information available through the Transportation Planning Capacity Building web site (<http://planning.dot.gov>) and the Travel Model Improvement Program (<http://tmip.fhwa.dot.gov>). Over the past two years, TPCB has sponsored a number of transit-at-the-table peer exchange workshops, with the results posted on the web site. The “Transit at the Table” report is available at <http://www.planning.dot.gov/Documents.tat.htm>

3. Coordination for Non-Emergency Human Service Transportation. Following the theme of Executive Order #13330, Human Service Transportation Coordination, SAFTEA-LU provides expanded program authority and funding opportunities to provide transit service to individuals with job access and specialized transportation needs. However, these programs, 49 U.S.C 5310 (Special Needs of Elderly Individuals and Individuals with Disabilities), 49 U.S.C 5316 (Job Access and Reverse Commute), and 49 U.S.C. 5317 (New Freedom) all require an extensive coordination among DOT-funded services, including preparation of a locally-developed coordination human service-transportation plan as the basis for project-level funding decisions.

The plan has to be developed by local area representatives of public, private, and nonprofit transportation human services providers, as well as involve participation by the public, including older adults, people with disabilities, and individuals with lower incomes. SAFETEA-LU further outlines that project “competition” for funding awards at the local level should be coordinated with the MPO.

Support of the emphasis area could involve a wide range of work activities in Statewide and metropolitan planning, including forming and hosting meetings of a committee of non-emergency service providers, assemblage of a base-year ridership profile of service users and forecasting future usage, and incorporating these programs of States and MPOs. United We Ride, and initiative of the Coordinating Council on Access and Mobility has developed a number of tools and strategies for building coordinated human service transportation systems across programs and funding streams. Additional information resources are available at the following web sites:

- http://www.fta.dot.gov/16290_17544_ENG_HTML.htm
- http://www.unitedweride.gov/1139_ENG_HTML.htm
- http://www.fta.dot.gov/1266_ENG_HTML.htm
- http://www.planning.dot.gov/Peer/Austin/austin_peer.htm

4. Planning for Transit Systems Management./Operations to Increase Ridership. A regionally coordinated, strategic approach to managing and operating transportation systems can yield dramatic improvements in systems productivity and service cost effectiveness. With regard to transit, a key criterion of operational effectiveness is the number of passenger miles traveled. FTA’s Strategic Business Plan has a goal calling for an annual increase in passenger miles, discounted for employment. The ability to accomplish this is tied closely to the effective management and operation of transit systems-individually, as well as in within a regional context of multimodal systems management and operations. In addition, transit operational strategies such as fare policies, service, characteristics (e.g. headways, transfers, frequency of stops), marketing and public awareness/information, and overall facilities maintenance on services and schedules, have a major impact on system ridership.

Work activities in Statewide and Metropolitan planning to address this emphasis area include such efforts as: (a) Convene a system operators coordinating committee to identify issues, share solutions, and establish an ongoing framework for coordination, (b) develop analytical tools and expertise in assessing the impacts of operational strategies, both in conjunction with, and as alternatives to, capital investments, (c) facilitate improved understanding and deployment of advanced technologies to improve the operational efficiency of systems, and (d) improve the tracking , analysis and use of transportation plan and program development.

FTA has developed an extensive body of information and guidance to assist transit operators in developing strategies that increase use of their systems. The guidance includes technical assistance such as training courses, research studies, and proceedings from conferences that transit operators can use in developing their ridership growth strategies. This guidance is summarized in the report, “Ridership Guidance Quick Study,” which is posted at http://www.fta.dot.gov/17525_ENG_HTML.htm.

Additional information on achieving ridership growth is available at the following web sites:

- http://www.fta.dot.gov/initiatives_tech_assistance/technology/15791_ENG_HTML.htm.
- <http://www.terponline.org>.
- <http://www.plan4operations.dot.gov>.

5. Support Transit Capital Investment Through Effective Systems Planning. The information, processes, and decisions of metropolitan systems planning lay the foundation for, and have direct impacts upon, corridor-focused project planning and subsequent stages of project development. There is a strong relationship between systems planning activities, more refined corridor analysis in Alternatives Analysis (or “AA” an FTA requirement for advancing New Starts projects), and their impact on subsequent project development—all within the context of metropolitan planning and decision-making. In systems planning, and regional priorities among corridors of need are identified, as well as causes of the corridors’ problems and a reasonable range of possible solutions. An AA investigates the range of possible modal solutions within individual corridors in much greater detail, concluding with a “Locally Preferred Alternative” (LPA). That LPA, in turn, goes to the Metropolitan Planning Organization (MPO) for adoption into the long-range transportation plan and is, ultimately, programmed in the Transportation Improvement Program. And, as the work of systems planning is carried forward into more focused planning at the corridor level, it becomes readily apparent that the quality of work performed in systems planning sets the foundation—and the quality of the foundation—for subsequent, more detailed planning.

Within systems planning, three planning activities have been found to be the most challenging and, if not performed effectively, to have the most significant impact on the quality and credibility of major transit investment proposals as the advance into project development. These three systems planning topics are (a) Data, Technical Tools, & Analysis; (b) Regional Needs Identification & Corridor Prioritization; and (c) Financial Planning.

SECTION 4

The RTPA OWP Timeline

The full cycle of an OWP from draft through audit closeout is approximately 30 months.

2005/2006 Close Out Prior Year		2006/2007 Accomplish Current Year	2007/2008 Draft/Review/Adopt/Approve Next Year
July 1-June 30 = State Fiscal Year			
July	<u>July 31</u> , Q4 Progress Report due to District.	Following passage of the State Budget, Accounting encumbers funds for RTPAs using complete and accurate OWPs/OWPAs and updated MFTAs. RTPAs begin work.	
August	<u>August 15</u> , Q4 Progress Report due to ORIP <u>By August 31</u> , Year-End Package due to District. **		
September	<u>September 15</u> , Year-End Package due to ORIP. **		
October 1- September 30 = Federal Fiscal Year			
October		<u>October 31</u> , Q1 Progress Report due to District.	<u>October – December</u> , ORIP's annual OWP Guidance.
November		<u>November 15</u> , Q1 Progress Report due to ORIP.	<u>November – June</u> RTPAs draft, circulate and finalize OWPs.
January	<u>January 1</u> , Annual Fiscal and Compliance Audit Report due to District	<u>January 31</u> , Q2/mid-year Progress Report due to District. <u>January-February</u> , District mid-year OWP status meeting with RTPAs.	<u>February - May</u> Districts review and circulate draft OWPs
February	<u>February 15</u> , Districts send Annual Fiscal and Compliance Audit Reports to Audits, ORIP, Accounting and FHWA.	<u>February 15</u> , Q2/mid-year Progress Report due to ORIP.	
March			<u>March 1</u> RTPA draft OWPs due.
April		<u>April 1</u> , deadline for prior year OWP amendments (complete package due to ORIP). <u>April 30</u> , Q3 Progress Report due to District.	
May		<u>May 15</u> , Q3 Progress Report due to ORIP.	
June			Adopted OWPs due, Districts approve RTPA OWPs
July 1-June 30 = State Fiscal Year			
July		<u>July 31</u> , Q4 Progress Report due to District.	Before <u>July 1</u> , Final approved and adopted OWP and fully executed OWPAs due to ORIP. Following passage of the State Budget, Accounting encumbers funds for RTPAs using OWPAs.
August		<u>August 15</u> , Q4 Progress Report due to ORIP. <u>August 31</u> , Year End Package due to District.	
September		<u>September 15</u> , Year-End Package due to ORIP.**	

** For RTPAs getting Rural Planning Assistance, a Year End Package consists of the Final Invoice, i.e. the last Request for Reimbursement for the OWP cycle clearly marked "FINAL".

** For RTPA recipients of a federal Consolidated Planning Grant discretionary grant, the Year-End Package must include a Certification of Expenditure by Fund Source including the Final Statement of Expenditures attachment.

SECTION 5

Caltrans OWP Information Element

To better coordinate transportation planning in each region, Caltrans Districts should prepare an informational element for inclusion in each of the regional agency OWPs. District staff shall prepare a list of the Department's transportation planning activities in the region for the same timeframe of the OWP and provide it to the RTPAs for inclusion as an informational element in the RTPA's OWP (23 CFR 450.314). The important aspect of this is to promote coordination through awareness of Caltrans and RTPA planning activities and where they may complement or intersect. There are various ways of incorporating Caltrans informational elements into the OWPs and the Districts shall coordinate with the RTPA to determine a format that is most appropriate. One example is to create work elements for each Caltrans activity, such as Intergovernmental (IGR)/California Environmental Quality Act (CEQA) review and System Planning. Another example is to create a matrix such as the one shown below. The CFR requirement is to show, at a minimum, the Activity Description, Product(s) and a due date.

SAMPLE FORMAT

Activity Description	Product(s)	Funding Source	Estimated Cost	Due Date
Update and development of the California Transportation Plan (CTP)	California Transportation Plan	SP & R	\$168,000	June 2007
Identify route needs and develop funding & construction strategies	Highway 99 Corridor Master Plan	TBD	TBD	In Progress
Update various Trans. Concept Reports (TCR)	Transportation Concept Reports	STATE	TBD	On-Going
Caltrans work elements for the Overall Work Program (OWP), progress reports, reimbursement and monitoring	OWP Management	Caltrans	\$252,000	February 2007 On-Going/As Needed
Update Programmed Project data, Market the tool to internal & external users, prepare quarterly reports on major activities & expenditures	California Transportation Investment System (CTIS)	N/A	TBD	On-Going

SECTION 6

Draft OWP Review Checklist

The following checklist can assist District staff as they review draft OWPs. RTPAs may also use the list to draft more complete OWPs. The list is illustrative, not inclusive.

The Content of the OWP Should:

- _____ Respond to planning priorities, including the PEAs and the eight SAFETEA-LU Planning Factors.
- _____ Comply with state and federal planning/administration program requirements and policies.
- _____ Contain the RTPA's annual certifications and assurances. The RTPA planning process should address the major issues facing the region and should be conducted in accordance with all applicable laws.
- _____ Respond to District concerns, regional transportation issues, regional transportation planning activities and transportation problems and needs facing the region.
- _____ Respond to applicable SAFETEA-LU and SB 45 requirements, planning emphasis and focus areas, or explain why any of these is not met.
- _____ Reflect the progress made by the RTPA in carrying out the previous year's program and its performance capabilities. All anticipated continuing activities should be clearly identified.
- _____ Contain a work element in the Draft OWP for each discretionary planning grant application for i.e., FHWA Partnership Planning and/or FTA Section 5304 (previously called 5313 (b) funds). (Include only **approved** discretionary-funded projects in the Final OWP.)
- _____ Include an information element, which lists the transportation planning activities being done by other transportation planning entities in the region. As discussed in Section 6 there are various options for presenting the Caltrans informational element.
- _____ Show non-planning sources for all project work in the OWP, e.g., PIDs, transit marketing, ride matching, transportation engineering and Transportation Development Act (TDA) required activities, etc.
- _____ Respond to Air Quality and Conformity issues (please see 40 CFR 93 for Conformity requirements).

The Financial Information in the OWP Should:

- _____ Reflect the fund source, type and amount for each work element and show the same source, type and amount in the Budget Revenue Summary.
- _____ Include the correct local match for each federal fund source and type.
- _____ Show consistency between the fund amounts in the individual work elements and the fund amounts in the Budget Revenue Summary.
- _____ Identify any carryover from prior years by fund source, type, amount and fiscal year within work elements and the Budget Revenue Summary.

The Work Elements in the OWP Should:

- _____ Illustrate an organized and logical flow of work element tasks and activities from project inception to project completion.
- _____ Contain a reasonable task statement; estimated project schedule with completion date; detailed fund source, type and amounts; description of any related work accomplished in previous OWPs; and final products/activities for each work element.
- _____ Identify all planning contracts in both the task and budget statements.

Draft OWP Review Circulation:

Regional agencies submit electronic and hard copies of the draft OWP to the Districts.

District regional planning staff are responsible for obtaining District and Headquarters review of Draft OWPs. The District should send copies of the Draft OWPs to:

- Division of Aeronautics, Attn: Terrie Barrie, Office of Aviation Planning
- Division of Mass Transportation, Attn: Kimberly Gayle, Office of State and Federal Grants
- Division of Rail, Attn: Victoria Coulter, Office of Planning and Policy
- Division of Transportation Planning
Attn: Sharon Scherzinger, Office of Regional and Interagency Planning
Attn: Pam Korte, Office of State Planning
Attn: Mark Siroky, Office of Advanced & System Planning
Attn: Chris Ratekin, Office of Community Planning
Attn: Mike Yee, Office of Project/Plan Coordination
Attn: Richard Nordhall, Office of Goods Movement
Attn: Jila Priebe, Native American Liaison Branch
- Division of Local Assistance, Attn: Denix Anbiah
(Headquarter Division of Local Assistance requests to see Final OWPs only. Some District Local Assistance Engineers may be interested in seeing draft OWPs. District should contact them directly and ask if they are interested.)
- Any other Headquarters or District staff deemed appropriate for OWP review, depending on the situation.

The Draft OWP Review Packages Should:

- _____ Include transmittal memo to District and Headquarters reviewing units. The transmittal memo should include specific concerns, questions and points to assist reviewing units on work elements and activities of particular interest to the Department. The memo should also include comment due date and identify the District Coordinator to whom the comments are to be returned.
- _____ Copy of the Draft OWP.

SECTION 7

Final OWP Process

How to finalize the RTPA OWP:

1. RTPA Board approves and sends the final OWP to the District.
2. District reviews and approves final OWP.
3. District prepares transmittal letter to the RTPA and the Office of Regional and Interagency Planning (ORIP). Either District Director or Deputy District Director for Planning signs the letter.
4. District submits the transmittal letter and the final OWP to ORIP by June 30.

Final OWP/OWPA Package from Caltrans Districts to ORIP include the following:

1. District OWP approval letter.
2. Three copies of the adopted and approved OWP.
3. One original OWPA bearing (original) RTPA and District signatures in *blue* ink.
4. The RTPA Governing Board resolution (or equivalent) adopting the OWP and giving authority for RTPA staff to sign the OWPA.
5. Signed Certifications and Assurances. RTPAs that receive Consolidated Planning Grant (CPG) funds, Partnership Planning and/or 5304 (previously called 5313(b)) are required to complete the State Transportation Planning Process Certification, FTA Certification and State Debarment and Suspension Certification. RTPAs that do not receive CPG funds are still required to complete the State Transportation Planning Process Certification but do not have to complete the State Debarment and Suspension Certification.

APPENDIX A
Transportation Planning Process Certification

A fully executed version of this transportation planning process certification must be provided with each adopted, Final OWP.

Transportation Planning Process Certification

In accordance with 23 CFR 450.334 and 450.220, Caltrans and _____, Regional Transportation Planning Agency for _____ hereby certify that the transportation planning process is addressing the major issues in the regional planning area and is being conducted in accordance with all applicable requirements of:

- I. 23 U.S.C. 134 and 135, 49 U.S.C. 5303 through 5306 and 5323(1); as amended by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users;
- II. Sections 174 and 176 (c) and (d) of the Clean Air Act as amended (42 U.S.C. 7504, 7506 (c) and (d)) (**Note – only for Metropolitan Planning Organizations with non-attainment and/or maintenance areas within the metropolitan planning area boundary**);
- III. Title VI of the Civil Rights Act of 1964 and the Title VI Assurance executed by California under 23 U.S.C. 324 and 29 U.S.C. 794;
- IV. Section 1101(b) of the Transportation Equity Act for the 21st Century (Pub. L. 105-178 112 Stat. 107) regarding the involvement of disadvantaged business enterprises in the FHWA and FTA funded projects (FR Vol. 64 No. 21, 49 CFR part 26); and,
- V. The provision of the Americans With Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat 327, as amended) and the U.S. DOT implementing regulations (49 CFR 27, 37 and 38).

RTPA Authorizing Signature

Title

Date

Caltrans District Approval Signature

Title

Date

APPENDIX B
FTA Certifications and Assurances

**FEDERAL FISCAL YEAR 2006 CERTIFICATIONS AND ASSURANCES FOR
FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS**

Name of Applicant: _____

The Applicant agrees to comply with applicable requirements of Categories 01 - 23. _____
(The Applicant may make this selection in lieu of individual selections below.)

OR

**The Applicant agrees to comply with the applicable requirements of the following Categories
it has selected:**

<u>Category</u>	<u>Description</u>	
01.	For Each Applicant.	_____
02.	Lobbying.	_____
03.	Procurement Compliance.	_____
04.	Private Providers of Public Transportation.	_____
05.	Public Hearing.	_____
06.	Acquisition of Rolling Stock.	_____
07.	Acquisition of Capital Assets by Lease.	_____
08.	Bus Testing.	_____
09.	Charter Service Agreement.	_____
10.	School Transportation Agreement.	_____
11.	Demand Responsive Service.	_____
12.	Alcohol Misuse and Prohibited Drug Use.	_____
13.	Interest and Other Financing Costs.	_____
14.	Intelligent Transportation Systems.	_____
15.	Urbanized Area Formula Program.	_____
16.	Clean Fuels Grant Program.	_____
17.	Elderly Individuals and Individuals with Disabilities Formula Program and Pilot Program.	_____
18.	Nonurbanized Area Formula Program.	_____

- | | | |
|-----|---|-------|
| 19. | Job Access and Reverse Commute Program. | _____ |
| 20. | New Freedom Program. | _____ |
| 21. | Alternative Transportation in Parks and Public Lands Program. | _____ |
| 22. | Infrastructure Finance Projects. | _____ |
| 23. | Deposits of Federal Financial Assistance to State Infrastructure Banks. | _____ |

FEDERAL FISCAL YEAR 2006 FTA CERTIFICATIONS AND ASSURANCES
SIGNATURE PAGE

(Required of all Applicants for FTA assistance and all FTA Grantees with an active capital or formula project)

AFFIRMATION OF APPLICANT

Name of Applicant:

Name and Relationship of Authorized Representative:

BY SIGNING BELOW, on behalf of the Applicant, I declare that the Applicant has duly authorized me to make these certifications and assurances and bind the Applicant's compliance. Thus, the Applicant agrees to comply with all Federal statutes, regulations, executive orders, and directives applicable to each application it makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2006.

FTA intends that the certifications and assurances the Applicant selects on the other side of this document, as representative of the certifications and assurances this document, should apply, as provided, to each project for which the Applicant seeks now, or may later, seek FTA assistance during Federal Fiscal Year 2006.

The Applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in the statements submitted herein with this document and any other submission made to FTA, and acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, as implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31 apply to any certification, assurance or submission made to FTA. The criminal fraud provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized in 49 U.S.C. chapter 53 or any other statute.

In signing this document, I declare under penalties of perjury that the foregoing certifications and assurances, and any other statements made by me on behalf of the Applicant are true and correct.

Signature _____
Date: _____

Name _____
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant):

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under state and local law to make and comply with the certifications and assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the certifications and assurances have been legally made and constitute legal and binding obligations on the Applicant.

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these certifications and assurances, or of the performance of the project.

Signature _____
Date: _____

Name _____
Attorney for Applicant

Each Applicant for FTA financial assistance (except 49 U.S.C. 5312(b) assistance) and each FTA Grantee with an active capital or formula project must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its signature in lieu of the Attorney's signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year.

APPENDIX C

California Department of Transportation Debarment and Suspension Certification for Fiscal Year 2006/2007

As required by U.S. DOT regulations on governmentwide Debarment and Suspension (Nonprocurement), 49 CFR 29.100:

- 1) The Applicant certifies, to the best of it's knowledge and belief, that it and its contractors, subcontractors and subrecipients:
 - a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - b) Have not, within the three (3) year period preceding this certification, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) transaction or contract under a public transaction, violation of Federal or state antitrust statutes, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, state, or local) with commission of any of the offenses listed in subparagraph (1)(b) of this certification; and
 - d) Have not, within the three (3) year period preceding this certification, had one or more public transactions (Federal, state, and local) terminated for cause or default.
- 2) The Applicant also certifies that, if Applicant later becomes aware of any information contradicting the statements of paragraph (1) above, it will promptly provide that information to the State.
- 3) If the Applicant is unable to certify to all statements in paragraphs (1) and (2) of this certification, through those means available to Applicant, including the General Services Administration's ***Excluded Parties List System (EPLS)***, Applicant shall indicate so in it's applications, or in the transmittal letter or message accompanying its annual certifications and assurances, and will provide a written explanation to the State.

**DEPARTMENT OF TRANSPORTATION
DEBARMENT AND SUSPENSION CERTIFICATION
FISCAL YEAR 2006/2007
SIGNATURE PAGE**

In signing this document, I declare under penalties of perjury that the foregoing certifications and assurances, and any other statements made by me on behalf of the Applicant are true and correct.

Signature_____ Date_____

Printed Name _____

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has the authority under state and local law to make and comply with the certifications and assurances as indicated on the foregoing pages. I further affirm that, in my opinion, these certifications and assurances have been legally made and constitute legal and binding obligations of the Applicant.

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these certifications and assurances or of the performance of the described project.

AFFIRMATION OF APPLICANT'S ATTORNEY

For _____ (Name of Applicant)

Signature_____ Date_____

Printed Name _____

of Applicant's Attorney

APPENDIX D

Planning Funds – Eligible Uses

A wide variety of regional transportation planning activities are eligible for transportation planning funds. For example:

Regional planning studies and activities:

- Participate in Federal and State Clean Air Act transportation related air quality planning activities.
- Identify and analyze issues relating to integration of transportation and community goals and objectives in land use, housing, economic development, social welfare and environmental preservation.
- Develop and/or modify tools that allow for better assessment of transportation impacts on community livability.
- Consider alternative growth scenarios that provide information on compact development and related infrastructure needs and costs.
- Participate in appropriate local level mandates.
- Involve the public in the transportation planning process.
- Establish and maintain formal consultation with Native American Tribal Governments enabling their participation in local and state transportation planning and project programming activities.
- Identify and document transportation facilities, projects and services required to meet regional and interregional mobility and access needs.
- Define solutions and implementation issues in terms of the multimodal transportation system, land use and economic impacts, financial constraints, air quality and environmental concerns (including wetlands, endangered species and cultural resources).
- Assess the operational and physical continuity of transportation system components within and between metropolitan and rural areas, and interconnections to and through regions.
- Identify the rights of way for construction of future transportation projects, including unused rights of way needed for future transportation corridors and facilities including airports and intermodal transfer stations.
- Investigate methods to reduce vehicle travel and to expand and enhance travel services.
- Incorporate transit and intermodal facilities, bicycle transportation facilities and pedestrian walkways in plans and programs where appropriate.
- Conduct transit needs assessments and prepare transit development plans and transit marketing plans as appropriate.
- Consider airport ground transportation, and transportation to ports, recreational areas and other major trip-generating sites in planning studies as appropriate.
- Develop life cycle cost analyses for all proposed transportation projects and services, and for transportation rehabilitation, operational and maintenance activities.

Regional planning consensus efforts:

- Participate with regional, local and state agencies, the general public and the private sector in planning efforts to identify and plan policies, strategies, programs and actions that maximize and implement the regional transportation infrastructure.
- Conduct collaborative public participation efforts to further extend transportation planning to communities previously not engaged in discussion.
- Create, strengthen and use partnerships to facilitate and conduct regional planning activities among California Department of Transportation (Department), MPOs, RTPAs, Native American Tribal Governments, transit districts, cities, counties, the private sector and other stakeholders.
- Develop partnerships with local agencies responsible for land use decisions to facilitate coordination of transportation planning with land use, open space, job-housing balance, environmental constraints, and growth management.
- Utilize techniques that assist in community-based development of innovative transportation and land use alternatives to improve community livability, long-term economic stability and sustainable development.
- Work with appropriate agencies and developers to reach agreement on proper mitigation measures, and strategies to finance, implement and monitor these mitigation measures; after mitigation measures are implemented and determined to be effective, report status to project sponsors.
- Use partners to identify policies, strategies, programs and actions that enhance the movement of people, goods, services and information.
- Ensure that projects developed at the regional level are compatible with statewide and interregional transportation needs.
- Review the regional project screening process, ranking process, and programming guidelines ensuring comprehensive cost/benefit analysis of all project types are considered.
- Develop and implement joint work programs with transportation and air quality agencies, including transit operators, to enhance coordination efforts, partnerships, and consultation processes; eliminate or reduce redundancies, inefficient or ineffective resource use and overlapping review and approvals.
- Identify and address issues relating to international border crossings, and access to seaports, airports, intermodal transportation facilities, major freight distribution routes, national parks, recreation areas, monuments and historic sites, military installations; and military base closures.
- Conduct planning and project activities (including corridor studies, and other transportation planning studies) to identify and develop candidate projects for the FY 2004/2005 Federal State Transportation Improvement Program (FSTIP).
- Preserve existing transportation facilities, planning ways to meet transportation needs by using existing transportation facilities more efficiently, with owners and operators of transportation facilities/systems working together to develop operational objectives and plans which maximize utilization of existing facilities.

- Involve federal and state permit and approval agencies early and continuously in the regional transportation planning process to identify and examine issues to develop necessary consensus and agreement; collaborate with Army Corps of Engineers, National Fish and Wildlife Service, Environmental Protection Agency and other federal agencies responsible for permits and National Environmental Protection Act (NEPA) approvals and with state resources agencies for compliance with California Environmental Quality Act (CEQA).
- Document environmental and cultural resources, and develop and improve coordination between agencies using Geographic Information Services (GIS) and other computer-based tools.

Regional planning documents, consistent with federal and state requirements:

- Overall Work Programs (OWP) and Amendments
- Overall Work Program Agreements (OWPA) and Amendments
- Master Fund Transfer Agreements (MFTA)
- Regional Transportation Plans (RTP)
- Transportation Improvement Programs (TIP)
- RTP and TIP environmental compliance
- Corridor studies

APPENDIX E
State of California
Transportation Planning and Programming
Requirements Regarding Tribal governments

Federal statute and regulations require that Tribal Governments be involved in transportation planning and programming processes. The Federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) reiterates and expands compliance with existing requirements and re-emphasizes the Tribal Government participation in transportation planning and programming processes that was initiated by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and the Transportation Equity Act for 21st Century (TEA 21).

Regional transportation agencies are sometimes uncertain of the governance underlying the need to involve Tribal Governments and/or the appropriate methods of involvement required. The following attempts to clarify, without going into contemporary Indian law, the "why" and "how" of Tribal Governmental participation in transportation planning and programming.

GOVERNANCE

Statute

Title 23, U.S.C., Chapter 1, Sections 134 and 135, as amended by SAFETEA-LU, provides statutory guidance relative to the planning requirements. SAFETEA-LU requires that State and metropolitan agencies must consult, coordinate and consider the concerns of Tribal Governments when developing transportation plans, and the State Transportation Improvement Program (STIP).

Statewide Transportation Plan: "Each State shall develop a statewide transportation plan, with a minimum 20-year forecast period, updated at least every five years, for areas of the State, that provides for the development and implementation of the intermodal transportation system of the State."

Indian Tribal Areas- "With respect to each areas of the State under the jurisdiction of an Indian tribal government, the statewide transportation plan shall be developed in consultation with the tribal government and Secretary of the Interior."

Statewide Transportation Improvement Program (STIP) —"Each State shall develop a statewide transportation improvement program for all areas of the State."

Subpart C, Metropolitan Transportation Planning and Programming, § 450.312
Metropolitan transportation planning: Responsibilities, cooperation, and coordination,

"Where a metropolitan planning area includes Federal public lands and/or Indian tribal lands, the affected Federal agencies and Indian tribal governments shall be involved appropriately in the development of transportation plans and programs."

SAFETEA LU adds new requirements as summarize below, that expands the scope in the regulations for consultation, mitigation and participation of tribes under Sections 3005, 3006 and 6001.

Transportation Planning and Programming:

- Consultation with Tribal Governments is required for the coordination of environmental planning and transportation planning requirements when working with Tribal Governments. Environmental planning includes all environmental concerns a tribe may have – not only the cultural resources. Transportation planning includes all modes of transportation i.e., transit pedestrian, etc. The Department and regional transportation planning agencies may consider including tribal representatives on the project management team when the project will clearly impact a tribal community and/or environmental resource.
- Consultation with the Federally-recognized Tribal agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation is required during the planning and programming processes.
- There must be a discussion of types of potential environmental mitigation activities to be developed in consultation with Federal, State and Tribal wildlife, land management and regulatory agencies in the transportation planning and programming documents.
- A “participation plan” must be developed in consultation with all interested parties, which includes tribal governments and their communities.

SAFETEA-LU has also provided new revisions to the Federal Transit Administration (FTA)—Title 49, U.S.C.:

- When developing the annual listing of obligated projects, there shall be a cooperative effort of “transit operators” that shall include “investments in pedestrian walkways and bicycle transportation facilities.” “Transit operators” include Tribal transit operators.
- A coordinated Public Transit-Human Services Transportation Plan must be developed through a process that include representatives of public, private, and non profit transportation and human services providers, as well as the public, Tribal nonprofit organizations, e.g., Indian health clinics in California are primarily incorporated as non-profit organizations.

Regulations

Code of Federal Regulations (CFR) 23, pursuant to Title 23, U.S.C., provides regulatory guidance relative to the planning requirements.

Part 450, Planning Assistance and Standards:

Subpart B, Statewide Transportation Planning, § 450.202 Applicability: "The requirements of this subpart are applicable to States and any other agencies/organizations which are responsible for satisfying these requirements."

Subpart B, § 450.208, Statewide transportation planning process: Factors, (a)(23): "The concerns of Indian tribal governments having jurisdiction over lands within the boundaries of the State."

Subpart B, § 450.210, Coordination,

(a): "In addition to the coordination required under § 450.208(a)(21) in carrying out the requirements of this subpart, each State, in cooperation with participating organizations (such as MPOs, Indian tribal governments, environmental, resource and permit agencies, public transit operators) shall, to the extent appropriate, provide for a fully coordinated process including coordination of the following:

(2): "Plans, such as the statewide transportation plan required under §450.214, with programs and priorities for transportation projects, such as the STIP;"

Subpart B, § 450.214, Statewide transportation plan,

(a): "The State shall develop a statewide transportation plan for all areas of the State."

(c): "In developing the plan, the State shall:

(2) "Cooperate with the Indian tribal government and the Secretary of the Interior on the portions of the plan affecting areas of the State under the jurisdiction of an Indian tribal government:"

Subpart C, Metropolitan Transportation Planning and Programming, § 450.312 Metropolitan transportation planning: Responsibilities, cooperation, and coordination,

(i): "Where a metropolitan planning area includes Federal public lands and/or Indian tribal lands, the affected Federal agencies and Indian tribal governments shall be involved appropriately in the development of transportation plans and programs."

Subpart C, § 450.324, Transportation improvement program: General,

- (f): The TIP shall include:
- (1): "All transportation projects, or identified phases of a project, (including pedestrian walkways, bicycle transportation facilities and transportation enhancement projects) within the metropolitan planning area proposed for funding under title 23, U.S.C., (including Federal Lands Highway projects). "

Guidelines

California Transportation Commission (CTC), Regional Transportation Plan Guidelines, approved in December 1999, and amended in December 2003.

The California Transportation Commission approved the following requirement in the Regional Transportation Guidelines: "the MPOs and RTPA should include a discussion of consultation, coordination and communication with federally recognized Tribal Governments when the community is located within the boundary of an MPO/RTPA".

The MPO/RTPAs should develop a government-to-government relationship with each of these tribes. This refers to the protocol for communicating between the MPOs/RTPAs and the Tribal Governments as sovereign nations. This consultation process should be documented in the RTP. The initial point of contact for Tribal Governments should be the Chairperson for the tribe. When unsuccessful in getting a response from the Tribe, the MPO/RTPA should re-evaluate the method used in encouraging participation from the Tribal Government and these efforts should be documented.

TRIBAL GOVERNMENT CONSULTATION vs. NATIVE AMERICAN PUBLIC PARTICIPATION

When involving Tribal Governments in the planning and programming process, transportation agencies need to consult with them---in addition to the need to include Native Americans in public participation. Establishing and maintaining Government-to-Government relations with Federally-recognized Tribal Governments through consultation is separate from, and precedes, the public participation process.

Consultation with Tribal Governments

Federally-recognized Tribes are familiar with the federal "consultation" process that requires agencies to identify when the agency is formally consulting with the Tribe.

CFR 23, Subpart A, § 450.104, Definitions: "Consultation means that one party confers with another identified party and, prior to taking action(s), considers that party's views."

Tribal Government refers to the recognized government, or political unit, of a Tribe.

CFR 23, Subpart B § 450.208(b): "The degree of consideration and analysis of the factors should be based on the scale and complexity of many issues, including transportation problems, land use, employment, economic development, environmental and housing and community development objectives . . ."

Issues may also include Tribal Governments' concerns about projects outside their jurisdiction that have the potential to impact their communities or cultural resources.

It is important to know with whom you are consulting and what methods are most effective:

Each federally recognized Tribe is a sovereign government. Each Tribe has its own form of government and protocol for how business is to be conducted. There is no singular approach. Unless directed otherwise by the Tribe, correspondence should be addressed to the Tribal Chairperson.

Tribes differ in their ability to finance leaders, spokespersons or administrative support. Tribal leaders are frequently participating on their own time and money. Agencies need to be cognizant of this and act accordingly, e.g., be flexible when and where meetings are scheduled. A meeting with the Tribal Government (most often referred to as the Tribal Council) is usually the most effective way to communicate.

Providing enough time for the Tribal Government to respond is important. Most Tribal Governments meet once a month, and it may be difficult to put additional items on the agenda if not given enough time.

Public Participation

Public participation provides for public involvement of all citizens (including Native Americans), affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties of the community affected by transportation plans, programs and projects.

All Native Americans as individual citizens---regardless of whether they are members of Federally-recognized Tribes---can contribute to the public participation process. They belong to a minority, they may be low income and they may be associated with a community-based organization or be among the groups shown above. Within public participation forums, as individuals, they are not representing Tribal Governments.